

RECEIPT # 57192
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 MCF ISSUED _____
 BY DPTY. CLK. M
 DATE 7-12-04

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

ADVANCED MARKETING
 SERVICES, INC,

Plaintiff,

v.

TENNESSEE VIRGINIA MULTIPLE
 LISTING SERVICE, INC.,
 DEFENDANTS.

Case No. _____

**NOTICE OF REMOVAL OF ACTION
 UNDER 28 U.S.C. § 1441(a)
 (DIVERSITY OF CITIZENSHIP)**

04-11547-WGY

TO: CLERK OF COURT, UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

Christopher T. Meier, Esq, Counsel for the Plaintiff
 DAVIS, MALM & D'AGOSTINE, P.C.
 One Boston Place
 Boston, MA 02108

Pursuant to 28 U.S. C. § 1441(a), the Defendant hereby gives notice of removal of this action from the Massachusetts Superior Court in Norfolk County (Docket No. 04-01025), where it is now pending, to the United States District Court for the District of Massachusetts. In support of this Notice of Removal, the defendant states as follows:

1. On or about June 28, 2004, counsel for the defendant Tennessee Virginia Multiple Listing Service, Inc. ("TVML") received a copy of the *Complaint and Demand for Jury Trial* pursuant to agreement between parties. A true and accurate copy of the *Complaint*, along with all other process served upon TVML is attached as Exhibit 1.

2. This Notice is filed pursuant to 28 U.S.C. § 1332 and 28 U.S.C. §§ 1441 and 1446, which provide for the removal of any civil action where there is diversity of citizenship and the matter in controversy exceeds the sum and value of \$75,000, exclusive of interests and costs.

3. This removal is timely under 28 U.S.C. § 1446(b) as it was filed within thirty (30) days of receipt by TVML of the initial pleading setting forth Plaintiff's claims for relief upon which

this action is based.

4. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the District of Massachusetts is the federal district court for the district embracing the place where the state court is pending.

DIVERSITY JURISDICTION

5. At all times relevant, this Court has had and does have original subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 because of the diversity of citizenship of the Plaintiff and the Defendant, and because the requisite amount is in controversy.

6. Based on the allegations in the Complaint, Plaintiff is a resident of Quincy, Massachusetts. The defendant, TVML is resident of Blountville, Tennessee. The citizenship of these parties, as stated above, existed at the time the *Complaint* was first provided to the Defendant and remains unchanged. Accordingly, pursuant to 28 U.S.C. § 1332, complete diversity of citizenship existed when the lawsuit was commenced and still exists at present.

7. The amount and value in controversy exceeds \$75,000, exclusive of interest and costs. In the Civil Action Cover Sheet filed with the Amended Complaint, the Plaintiff alleges \$108,276.00 in damages. A true and accurate copy of the *Complaint* is attached as Exhibit 1.

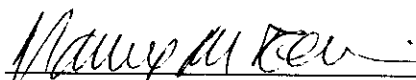
8. On this date, the Defendant is serving upon Plaintiff's counsel notice of the filing of this Notice of Removal with the court administrator for the Massachusetts Superior Court, Norfolk County, in accordance with 28 U.S.C. § 1446(d). A true and correct copy of the Notice of Filing of Notice of Removal is attached as Exhibit 2.

WHEREFORE, the Defendant hereby removes the above-captioned action from the Massachusetts Superior Court to the United States District Court for the District of Massachusetts.

Defendant

TENNESSEE VIRGINIA MULTIPLE
LISTING SERVICE, INC.,

By its attorneys,

A handwritten signature in cursive script, appearing to read "David J. Hatem", is written over a horizontal line.

David J. Hatem, B.B.O. #225700

Nancy M. Reimer, B.B.O. #555373

Nicholas A. Ogden, B.B.O. #644007

DONOVAN HATEM LLP

Two Seaport Lane

Boston, MA 02210

Telephone: (617) 406-4500

CERTIFICATE OF SERVICE

I, Nicholas A. Ogden, hereby certify that on this 12th of July, 2004 I caused a copy of the foregoing:

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a) (DIVERSITY OF CITIZENSHIP,

to be mailed, postage prepaid to:

Christopher T. Meier, Esq,
DAVIS, MALM & D'AGOSTINE, P.C.
One Boston Place
Boston, MA 02108


Nicholas A. Ogden

00844686